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September 22, 2006

PR02635B05-0203

Mr. Chris Watson
Arizona Corporation Commission
Railroad Safety Section
2200 N. Central Ave. Suite 300
Phoenix, AZ 85004

Re: Bell Road railroad crossing, right turn lane addition, DOT No. 025392A

Dear Mr. Watson:

This letter provides the BNSF Railway's explanation of the revision of the scope for the Bell road crossing in Surprise, AZ.

This project involves the BNSF Railway Co. (BNSF), Arizona Department of Transportation (ADOT), and City of Surprise (CITY). The scope of the project involved the CITY widening the roadway by adding a right-turn lane for westbound traffic. BNSF is to install a new cantilever, relocate existing signal equipment, lengthen gate arm, relocate bungalow, and extend crossing surface. Estimates were given to the CITY for this work. ADOT's project is a federally-funded project to install LED's, RTU and new cantilever for the eastbound traffic.

The original Construction and Maintenance Agreement between BNSF and CITY was signed April 16th, 2005. BNSF intended to acquire the signal equipment once the CITY hired a contractor for their portion of the work. BNSF does not want the material sitting on site for an extended period of time due to frequent vandalism and theft.

Construction had not occurred by October 2005, and at that time BNSF and ADOT started a discussion about revised the scope and cost estimates for the CITY and ADOT. Also in October of 2005 the ACC's approval was finally granted for the crossing upgrades, but the CITY still had not arranged for bringing a contractor on board until summer of 2006. The Supplement to the Agreement between ADOT and BNSF was not finalized for signature until August of 2006. When this was finally signed at the end of August 2006 BNSF started the process of ordering the surfacing and signal material.

As you can see there were many factors that caused delays with the project. BNSF is currently in the process of ordering the equipment and a schedule was sent to the city for material delivery and construction on September 21, 2006. Please grant an extension for 18 months to ensure the construction is complete and billing has been finalized. Thank you.

Sincerely,
BNSF Railway Company

Megan T McIntyre
Manager of Public Projects

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